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10 IN THE UNITED STATES BANKRUPTCY COURT
11 FOR THE DISTRICT OF ARIZONA

12 In re:) Case No.: 2-10-bk-05816-GBN
13 Karen Rae Windsor and Stephen L.) In Proceedings Under Chapter 13
14 Windsor,)
15 Debtors.) **MEMORANDUM IN OPPOSITION TO**
16) **MOVANT'S MOTION TO LIFT THE**
17) **AUTOMATIC BANKRUPTCY STAY**
18)
19 Wells Fargo Bank, NA.)
20) RE: Real Property located at
21) 24232 N 39th Ave.
22) Glendale, AZ 85310
23)
24)
25) vs.
26)
27 Karen Rae Windsor and Stephen L.)
28 Windsor, Debtors; Edward J. Maney,)
29 Trustee,)
30 Respondents.)

31
32 NOW COME the Respondents, Karen Rae Windsor and Stephen L. Windsor,
33 (hereinafter "Mr. and Mrs. Windsor"), by and through counsel, in opposition to
34 Movant's "Motion to Lift the Automatic Bankruptcy Stay (hereinafter "Motion") filed on
35 behalf of Wells Fargo Bank, NA (hereinafter "Lender"). The grounds for the opposition
36 of Mr. and Mrs. Windsor is contained within the Memorandum below.

37
38 RESPECTFULLY SUBMITTED this 21st day of July, 2010.

39 Allegrucci Law Office, PLLC

40 /s/ David Allegrucci
41 Attorney for the Respondents

1
2 **MEMORANDUM**

3 I. First Defense.

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5 1. Mr. and Mrs. Windsor admit the allegations contained within ¶ 1 of the
6 Motion.

7 2. Mr. and Mrs. Windsor are without information sufficient to form a belief as
8 to the truth of the allegations contained within ¶¶ 2, 3 & 4 of the Motion.
9 Based upon the foregoing, the aforementioned allegations are denied.

10 3. Mr. and Mrs. Windsor deny the allegations contained within ¶ 5 of the
11 Motion.

12 4. Mr. and Mrs. Windsor are without information sufficient to form a belief as
13 to the truth of the allegations contained within ¶¶ 6, 7, & 8 of the Motion.
14 Based upon the foregoing, the aforementioned allegations are denied.

15 II. Second Defense.

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17 5. The residence of Mr. and Mrs. Windsor is their largest single asset. *Compare*
18 Schedules “A” and “B”. Based upon the foregoing, the residence of Mr. and
19 Mrs. Windsor is clearly necessary for an effective reorganization.

20 6. The residence is also the home of the Windsor family including their three
21 children.

22 7. Mr. and Mrs. Windsor negotiated a Special Forbearance Agreement with the
23 Lender on February 23, 2010, which was signed and accepted prior to the
24 filing of this proceeding. Mr. and Mrs. Windsor were scheduled to make
25 payments three payments beginning March 23, 2010 after which their loan
 was to be reviewed for a Loan Modification according to the Lender’s
 documentation. Mr. and Mrs. Windsor believe their payments to be current
 pursuant to the Lender’s Special Forbearance agreement.

8. Mr. and Mrs. Windsor believe that they can resume the monthly payments to the Lender and cure any postpetition arrearage with the Lender if given a reasonable opportunity to do so.

WHEREFORE, based upon the foregoing, the Respondent prays that this Court:

- a. not grant the Lender relief from the automatic stay until Mr. and Mrs. Windsor have had an opportunity to bring the Lender account current;
- b. grant such other and further relief as the Court deems just and equitable.

Allegrucci Law Office, PLLC

/s/ David Allegrucci
Attorney for the Respondent

Copy of the foregoing mailed this 21st day of July, 2010 by first class U.S. Mail to the following:

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Karen and Stephen Windsor
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/s/ Tamara L. Porter, Paralegal